



**Austin City Council
MINUTES**

**REGULAR MEETING
THURSDAY, MARCH 30, 2000**

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed.

The City Council of Austin, Texas, convened in a regular meeting on Thursday, March 30, 2000 at City Hall, 124 West 8th Street in Room 304.

INVOCATION –

Mayor Watson called the meeting to order at 9:45 a.m.

1. Approval of minutes for regular meetings of March 23, 2000
The minutes for the regular meeting of March 23, 2000 were approved on Council Member Garcia's motion, Council Member Spelman's second by a 6-0 vote. Mayor Pro Tem Goodman was absent.

Items 2 through 4 were briefings

Items 5 through 10 were Executive Session items

CONSENT AGENDA

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Spelman's motion, Council Member Garcia's second by a 6-0 vote. Mayor Pro Tem Goodman was absent.

Items 11 through 13 were pulled for discussion

14. Approve a resolution authorizing execution of a 12-month supply agreement with ACM HIGHWAY PRODUCTS CORP., Round Rock, Texas, for traffic parts and equipment for the Traffic Signals and Control Division, in an amount not to exceed \$67,758.75, with two 12-month extension options in the amount not to exceed \$67,758.75 per extension, for a total contract amount not to exceed \$203,276.25. (The amount of \$33,879.36 was included in the 1999-2000 Amended Operating Budget of the Department of Public Works and Transportation. Funding for the remaining six months of the original contract period and extension options will be contingent upon available funding in future budgets.) Low bidder meeting specifications/6 bids received. No MBE/WBE subcontracting participation.
Resolution No. 000330-14 was approved.

15. Approve an ordinance authorizing a request from Joseph L. Maverick on behalf of The Protestant Episcopal Church Council of the Diocese of Texas, c/o St. David's Episcopal Church, for right-of-way vacation of the alley at the 300 Block of East 7th Street. The appraised value is \$28,959. (The amount of \$2,365 will be receipted to the Public Works & Transportation Capital Project Management Fund. \$26,594 will be receipted to the General Fund.) (Recommended by Planning Commission) (Recommended by Downtown Commission)
Ordinance No. 000330-15 was approved.

Item 16 was pulled for discussion.

17. Approve a request from Perry Lorenz on behalf of New Urban Partners, Ltd., for right-of-way vacation of a portion of the aerial rights at the 900 Block of the West 9th Street Alley (between Henderson and N. Lamar Blvd.) (The amount of \$1,305 in revenue will be receipted to Public Works & Transportation Capital Project Management Fund.) (Recommended by Planning Commission)
Ordinance No. 000330-17 was approved.

18. Approve an ordinance waiving the requirements of Section 15-11 of the Austin City Code (except the public safety requirement), and waiving the permit application fee, permit fee, and the deposit under Ordinance No. 990914-4 for temporary closure of Wolfrap Drive from West Slaughter Lane to Sawmill Drive between the hours of 8:30 a.m. to 12:00 p.m. on April 26 and 27, 2000 for the Texas Alcoholic Beverage Commission's "Shattered Dreams" Anti-DWI Program. (\$450 fees will be waived by this action. Budgeted revenue for street closures is based upon historical data and not upon specific events.)
Ordinance No. 000330-18 was approved.

19. Approve a resolution authorizing negotiation and execution of Interlocal Agreement with the Anderson Mill Municipal Utility District (MUD) setting forth terms for City cost sharing in an amount not to exceed \$150,000, for the relocation of water and wastewater lines within the right of way of U. S. Highway 183, between Anderson Mill Road and Farm to Market Road 620, approving temporary out-of-district wastewater service by Anderson Mill MUD to Hidden Meadows and Acres West subdivisions previously annexed by the

City. (Funding was included in the 1999-2000 Amended Capital Budget of the Water and Wastewater Utility.) (Recommended by Water and Wastewater Commission)

Resolution No. 000330-19 was approved.

20. Approve an ordinance authorizing acceptance of \$30,000 in grant funding from the Texas Parks and Wildlife Department for the Community Outdoor Outreach Program; amend Ordinance 990914-1, the 1999-2000 Operating Budget, amending the Special Revenue fund by appropriating \$30,000 in grant funds for the Austin Parks and Recreation Department's Special Revenue Fund. (Funding is available from the Texas Parks and Wildlife Department. The grant period is February 8, 2000 to February 7, 2001. No City Match is required.)

Ordinance No. 000330-20 was approved.

Items 21 through 24 were pulled for discussion.

25. Set public hearings to receive citizen comments on the proposed Consolidated Plan, 2000-2005 to The U.S. Department of Housing and Urban Development (HUD, which includes proposed funding allocations for Fiscal Year 2000/2001. (Funding in the amount of \$12,314,000 is available from four HUD entitlement grants: \$8,093,000 from Community Development Block Grant (CDBG); \$3,147,000 from HOME Investment Partnerships (HOME); \$287,000 from Emergency Shelter Grant (ESG), and \$787,000 from Housing Opportunities for Persons with AIDS (HOPWA). Additional monies from the General Revenue Fund for local match and program income will also be included. These amounts have not yet been calculated.) (Suggested Dates and Times: May 11, 2000 and May 18, 2000 at 6:00 p.m.)

Resolution No. 000330-25 was approved.

26. Set a public hearing on amendments to the Land Development Code implementing the SMART Housing Initiative. (Suggested Date and Time: April 20, 2000 at 6:00 p.m.)

Resolution No. 000330-26 was approved.

Items 27 through 35 were pulled for discussion.

36. Approve an Ordinance approving Seventh Amendment to Agreement Concerning Creation and Operation of North Austin Municipal Utility District revising the district land plan to modify the use of a certain 11.5 acre tract and a certain 22.7 acre tract from Multifamily to Office (GO uses and standards with the maximum impervious cover of 80% and a maximum height of 40 feet). (Recommended by Planning Commission)

This item was postponed to April 13, 2000.

37. Approve a resolution authorizing the City Manager to negotiate and execute an Interlocal Agreement for recycling services between the City of Austin and the Austin Independent School District. (Recommended by Solid Waste Advisory Commission)

Resolution No. 000330-37 was approved.

38. Approve a resolution authorizing the application for grant funding in the amount of \$55,521 for the Austin Police Department to provide outreach services to recently immigrated Latino families residing in Central East Austin. (Grant funding is available from the State of Texas, Governor's Office, Criminal Justice Division, for the grant period September 1, 2000–August 31, 2001, to be renewed for four additional years. No cash match is required the first two years. Grant funding is reduced by 25% per year in the third and subsequent years. Funding for the continued operation of this program is contingent upon available funding in future budgets.)
Resolution No. 000330-38 was approved.
39. Approve a resolution authorizing acceptance of \$252,674 in grant renewal funding from the State of Texas, Office of the Governor, Criminal Justice Division, *Juvenile Accountability Incentive Block Grant Program*, to continue support for the Juvenile Diversion Center for youth who have committed Class C criminal offenses. (Grant funding is available from the State of Texas, Office of the Governor, Criminal Justice Division, for the grant period of January 1, 2000 through December 31, 2000. A cash match of \$28,075 is required and will be requested in the Fiscal Year 2000-2001 Operating Budget of the Police Department. Funding for the continued operation of this program is contingent upon available funding in future budgets.)
Resolution No. 000330-39 was approved.
40. Amend Ordinance 000302-31 which called the May 6, 2000 Election. The Barton Springs/Edwards Aquifer Conservation District will not be joining this election. This amendment relates to reduction in early voting sites.
Ordinance No. 000330-40 was approved.
41. Approve a resolution authorizing a \$100,000 increase in contract authority to Scott, Douglass & McConnico, for legal representation in *City of Austin v. Horse Thief Hollow Ranch, Ltd., L.S. Ranch, et al. v. City of Austin*, and *Circle C Land Corporation v. City of Austin*, for a total contract amount of \$1,393,900. (Funding is available in the 1999-2000 Strategic Partnership Investment Fund.)
Resolution No. 000330-41 was approved.
42. Approve a resolution authorizing an amendment to the legal services contract with Mithoff & Jacks, L.L.P., Austin, Texas, for representation in *City of Austin v. Horse Thief Hollow Ranch Ltd., et. al*, for an increase of \$35,000, resulting in a total contract limit of \$70,000. (Funding is available in the 1999-2000 Strategic Partnership Investment Fund.)
Resolution No. 000330-42 was approved.
43. Approve a resolution authorizing an amendment to the legal services contract with Cox & Smith, Inc., for representation on the proposed Bradley settlement, for an increase of \$200,000 resulting in a total contract limit of \$460,000. (Funding is available in the 1999-2000 Strategic Partnership Investment Fund.)
Resolution No. 000330-43 was approved.

44. Approve a resolution authorizing an amendment to the legal services contract with George & Donaldson, L.L.P., Austin, Texas, for representation in *Gutierrez v. City of Austin (Tank Farm)*, for an increase of \$35,000, resulting in a total contract limit of \$70,000. (Funding is available in the 1999-2000 Strategic Partnership Investment Fund.)
Resolution No. 000330-44 was approved.
45. Approve a resolution authorizing an amendment to the legal services contract with Scott, Douglass & McConnico, L.L.P., Austin, Texas, for representation in *City of Austin v. Lumbermen's Investment Corporation (Sand Beach Reserve Litigation)*, for an increase of \$45,000, resulting in a total contract limit of \$80,000. (Funding is available in the 1999-2000 Strategic Partnership Investment Fund.)
Resolution No. 000330-45 was approved.
46. Approve a resolution authorizing an amendment to the legal services contract with George & Donaldson, L.L.P., Austin, Texas, for representation in *Allissa M. Chambers v. Josie Valdez, dba Valdez Remodeling and the City of Austin*, for an increase of \$50,000, resulting in a total contract limit of \$70,000. (Funding is available in the 1999-2000 Liability Reserve Fund.)
Resolution No. 000330-46 was approved.
47. Approve a resolution authorizing negotiation and execution of a 12-month contract with MOTOROLA COMMUNICATIONS AND ELECTRONICS, INC., Austin, Texas, for the maintenance and support of the Motorola Data Radio Communication System including mobile data terminals installed in police and emergency vehicles in an amount not to exceed \$199,794 with two 12-month extension options in an amount not to exceed \$202,914 for the first extension option, \$209,034 for the second extension option and for a total contract amount not to exceed \$611,742. (Funding in the amount of v\$99,897 is available in the the 1999-2000 Operating Budget for the Austin Police Department There is no unanticipated fiscal impact.) Sole Source. No MBE/WBE subcontracting participation.
Resolution No. 000330-47 was approved.
48. C14-99-2062 – Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code zoning property located at 7911 RM 620 North from I-RR, Interim-Rural Residence District zoning to W/LO-CO, Warehouse/Limited Office-Conditional Overlay Combining District zoning with conditions. First reading on January 13, 2000; Vote: 6-0, Watson absent. Second reading on February 3, 2000; Vote 5-0, Spelman and Griffith out of the room. Conditions met as follows: Conditional overlay incorporates the conditions imposed by Council at second reading. Applicant: Matthew Lucas; Agent: Joe Lucas; City Staff: Katie Larsen, 499-3072.
Ordinance No. 000330-48 was approved.
49. C14-99-2078 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code zoning property located at 13049 U. S. Highway 183 North from I-RR, Interim-Rural Residential District zoning and GR, Community Commercial District

zoning to GR-CO, Community Commercial-Conditional Overlay Combining District zoning with conditions. First reading on January 6, 2000; Vote 7-0. Conditions met as follows: Conditional overlay incorporates the conditions imposed by Council at first reading. Applicant: James Chargois; Agent: Jim Bennett. City Staff: David Wahlgren, 499-6455.

Ordinance No. 000330-49 was approved.

50. C14-99-2085 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code zoning property located at 12000 Block of Hunters Chase Drive from I-RR, Interim Rural Residential District zoning to GR-CO, Community Commercial-Conditional Overlay Combining District zoning with conditions. First reading on January 6, 2000; Vote 7-0. Conditions met as follows: Conditional overlay incorporates the conditions imposed by Council at first reading. Applicant: James Chargois; Agent: Jim Bennett. City Staff: David Wahlgren, 499-6455.

Ordinance No. 000330-50 was approved.

51. C14-99-2128 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code zoning property locally known as 13812 Avenue I, the 13000 Block of Avenue J, and 2106 Howard Lane from CS, General Commercial Services District zoning and GR, Community Commercial District zoning to P, Public District zoning. First reading on March 2, 2000; Vote 7-0. Conditions met as follows: Conditional overlay incorporates the conditions imposed by Council at first reading. Applicant: City of Austin Water and Wastewater (Ted Neumann, P. E.); Agent: PBS & J (Terry Reynolds). City Staff: David Wahlgren, 499-6455.

Ordinance No. 000330-51 was approved.

52. C14-95-0002.01 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code zoning property locally known as 7301 RR 620 North from PUD, Planned Unit Development District zoning to PUD, Planned Unit Development District zoning in order to change a condition of zoning. First reading on December 9, 1999; Vote 7-0. Conditions met as follows: Conditional overlay incorporates the conditions imposed by Council at first reading. Applicant: Twin Liquors (David Jabour); Agent: Austin Permit Service, Inc. (Melissa Whaley). City Staff: Clark Patterson, 499-2464.

Ordinance No. 000330-52 was approved.

53. C14-99-2033 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code zoning property locally known as 9905 Anderson Mill Road from RR, Rural Residence District zoning to LO-CO, Limited Office-Conditional Overlay Combining District zoning with conditions. First reading on November 4, 2000; Vote 6-0, Watson absent. Conditions met as follows: Conditional overlay incorporates the conditions imposed by Council at first reading. Applicant: Unity Church of the Hills (William McCurley, Treasurer); Agent: Hill Country Environmental, Inc. (Lisa or Bill McCurley). City Staff: Clark Patterson, 499-2464.

Ordinance No. 000330-53 was approved.

Items 54 through 62 were Citizens Communications**Items 63 through 74 were Zoning Items****Items 75 through 90 were Public Hearings**

91. Approve a resolution clarifying ordinance no. 900830-Q, and initiating a modification of the zoning for Tract 2 of the Hyde Park Civic Neighborhood Conservation Combining District. (Council Member William Spelman and Council Member Beverly Griffith)

This item was postponed to April 6, 2000.

92. C14-99-0081 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6415 Hart Lane, 3413 North Hills Drive and 6426 North Loop One (Mopac) Southbound from LO, Limited Office District zoning to GO-CO, General Office-Conditional Overlay Combining District zoning with conditions. First reading on January 13, 2000; Vote: 7-0. Conditions met as follows: Conditional overlay incorporates the conditions imposed by Council at first reading. Applicant: 6204 Balcones Ltd. (Gerald Kucera, Manager) and David B. Barrow, Jr. (Charles F. Stahl, Attorney-In-Fact). City Staff: Clark Patterson, 499-2464. Note: A valid petition of has been filed in opposition to this rezoning request. (continued from 3/23/00)

This item was postponed to April 6, 2000.

BRIEFINGS

2. Austin Energy Conservation Program
This item was postponed to April 13, 2000.
3. Action plan prepared by Computer Sciences Corporation and the City of Austin to improve greater Minority/Women local business participation.
Presentation was made by Joe Canales, Chief of Staff.
4. Homeless Shelter/Resource Center and Clinic
This item was postponed to April 6, 2000.

DISCUSSION ITEMS

12. Adopt an action plan prepared by Computer Sciences Corporation and the City of Austin to improve greater Minority/Women local business participation. (*This item will be taken up after Item 3.*)
Resolution No. 000330-12 was approved on Council Member Spelman's motion, Council Member Lewis' second by a 5-0 vote. Mayor Watson was off the dais. Mayor Pro Tem Goodman was absent. Council Member Garcia ask that his written comments be included in the documentation, but the plan is not amended.

11. Pursuant to Section 163.011 et seq. of the Texas Utilities Code, approve a resolution authorizing negotiation and execution of a participation agreement with Enron North America Corp., Houston, Texas, for joint ownership of a gas turbine based peaking power plant with an initial capital investment of \$40,000,000 in Fiscal Year 2000, an additional \$46,000,000 subject to appropriation in Fiscal Year 2001, for a total capital investment not to exceed \$86,000,000 and subsequent operation and maintenance expenses.
Resolution No. 000330-11 was approved on Council Member Slusher's motion, Council Member Lewis' second by a 5-0 vote. Mayor Watson was off the dais. Mayor Pro Tem Goodman was absent.

13. Approve a resolution adopting purchasing procedures for the City's municipally-owned electric utility, Austin Energy, in accordance with provisions of the electric utility restructuring legislation (Senate Bill 7) enacted into law by the 76th Session of the Texas Legislature.
Resolution No. 000330-13 was approved as amended by deleting the following words from the second sentence under item 3, ". . .or that the opportunity for competition will not be unreasonably diminished," on Council Member Slusher's motion, Council Member Griffith's second by a 4-0 vote. Mayor Watson and Council Member Spelman were off the dais. Mayor Pro Tem Goodman was absent.

16. Approve a resolution authorizing execution of a construction contract with BALLOU CONSTRUCTION, INC, Salina, Kansas, for asphaltic slurry seal on selected streets within five residential subdivisions, in the amount of \$600,705.64. (Funding was included in the 1999-2000 Operating Budget of the Department of Public Works and Transportation, Transportation Fund.) Sole Bid. No MBE/WBE subcontracting participation.
Resolution No. 000330-16 was approved on Council Member Griffith's motion, Council Member Lewis' second by a 5-0 vote. Mayor Watson was off the dais. Mayor Pro Tem Goodman was absent.

21. Declare official intent to reimburse land acquisition costs of \$3,900,000 and amend the two-year General Obligation Debt Sale Schedule. (The amount of \$3,900,000 to be funded by the issuance of GO Certificates of Obligation in September 2000.) (Related to items 22 and 23)
Resolution No. 000330-21 was approved on Council Member Slusher's motion, Council Member Spelman's second by a 5-0 vote. Mayor Watson was off the dais. Mayor Pro Tem Goodman was absent.

22. Amend Ordinance No. 990913-2 the 1999-2000 Capital Budget of the Parks and Recreation Department by creating a new account known as "Conservation Land" and appropriating \$4,700,000. (The amount of \$3,900,000 is to be reimbursed from the issuance of long term debt in September 2000, \$325,000 is available from certificates of participation for the Balcones Canyonlands Preserve; and \$475,000 is available from legal settlements.) (Related to items 21 and 23)

Ordinance No. 000330-22 was approved on Council Member Slusher's motion, Council Member Spelman's second by a 5-0 vote. Mayor Watson was off the dais . Mayor Pro Tem Goodman was absent.

23. Approve a resolution authorizing the negotiation and execution of a contract to purchase in fee simple approximately 60.127 acres located Capital of Texas Highway South (Loop 360) from William S. Walters, III, Trustee in the amount of \$6,900,000. (Funding in the amount of \$2,200,000 was included in the 1999-2000 Amended Capital Budget of the Water and Wastewater Utility; \$4,700,000 was included in the 1999-2000 Amended Capital Budget of the Parks and Recreation Department.) (Related to items 21 and 22)

Resolution No. 000330-23 was approved on Council Member Slusher's motion, Council Member Spelman's second by a 5-0 vote. Mayor Watson was off the dais. Mayor Pro Tem Goodman was absent.

27. Approve an ordinance authorizing acceptance of \$13,620 in grant funds from the Texas Department of Health's Bureau of Nutrition Services, for the Women, Infants, and Children (WIC) Lactation Center, amend Ordinance No. 990914-1, the 1999-2000 Operating Budget, amending the Special Revenue Fund by appropriating an additional \$13,620 in grant funds for a new total grant amount of \$147,620 for the Health and Human Services Department Special Revenue Fund. (Grant funding in the amount of \$13,620 is available from the Texas Department of Health, Bureau of Nutrition Services. The grant period is 10/1/99-9/30/00. No City match is required.)

Ordinance No. 000330-27 was approved on Council Member Spelman's motion, Council Member Lewis' second by a 5-0 vote. Mayor Watson was off the dais. Mayor Pro Tem Goodman was absent.

28. Approve a resolution authorizing negotiation and execution of a 9-month contract with AUSTIN TRAVIS COUNTY MENTAL HEALTH MENTAL RETARDATION CENTER for the period April 1, 2000 through December 31, 2000, to administer and provide for the purchasing of mental health and substance abuse treatment services, through a subcontract with the SIMS Foundation, for individuals in the Austin/Travis County music community and their families, in an amount not to exceed \$61,141. (Funding is available in the Leveraged Loan Fund Music Industry Loan Program. This is one-time funding only.)

Resolution No. 000330-28 was approved on Council Member Spelman's motion, Council Member Lewis' second by a 5-0 vote. Mayor Watson was off the dais. Mayor Pro Tem Goodman was absent.

29. Approve a resolution authorizing negotiation and execution of 12-month contracts, with two 12-month renewal options, with two agencies for HIV services under the Ryan White Title III Early Intervention grant: AIDS Services of Austin in an amount not to exceed \$113,409; and Community Action, Inc. in an amount not to exceed \$65,637. (Funding was included in the Fiscal Year 1999-2000 Approved Operating Budget of the Health and Human Services Department Special Revenue Fund, Ryan White Title III Early Intervention grant program. The grant period is January 1, 2000 through December 31, 2000 and the contract performance period is January 1, 2000 through December 31, 2000.

Funding for the extension options is contingent upon available funding in future budgets.)

Resolution No. 000330-29 was approved on Council Member Spelman's motion, Council Member Lewis' second by a 5-0 vote. Mayor Watson was off the dais. Mayor Pro Tem Goodman was absent.

30. Approve a resolution authorizing negotiation and execution of a 12-month contract, with two 12-month renewal options, with Community Action, Inc. for HIV services under the Texas Department of Health Ryan White Title II grant in an amount not to exceed \$214,916. (Funding was included in the Fiscal Year 1999-2000 Approved Operating Budget of the Health and Human Services Department Special Revenue Fund, Ryan White Title II grant program. The grant period is April 1, 2000 to March 31, 2001 with a contract performance period of April 1, 2000 to March 31, 2001. Funding for the extension options is contingent upon available funding in future budgets.) (Recommended by HIV Planning Council)

Resolution No. 000330-30 was approved on Council Member Spelman's motion, Council Member Lewis' second by a 5-0 vote. Mayor Watson was off the dais. Mayor Pro Tem Goodman was absent.

31. Approve a resolution authorizing negotiation and execution of 12-month contracts with two 12-month renewal options, with two agencies for HIV services under the U.S. Housing and HUD Housing Opportunities for Persons with AIDS (HOPWA) grant: AIDS Services of Austin, in an amount not to exceed \$582,920; and Project Transitions, Inc., in an amount not to exceed \$161,070. (Funding was included in the Fiscal Year 1999-2000 Approved Operating Budget of the Health and Human Services Department Special Revenue Fund, Housing Opportunities for Persons with AIDS (HOPWA)-HUD grant program. The grant period is October 1, 1999 to September 30, 2002 with a contract performance period of March 1, 2000 to February 28, 2001. Funding for the extension options is contingent upon available funding in future budgets.) (Recommended by HIV Planning Council)

Resolution No. 000330-31 was approved on Council Member Spelman's motion, Council Member Lewis' second by a 5-0 vote. Mayor Watson was off the dais. Mayor Pro Tem Goodman was absent.

32. Amend Ordinance No. 990914-1, the 1999-2000 operating budget, amending the Special Revenue Fund by appropriating an additional \$399,995 in grant funds, for a new total grant amount of \$3,575,995 from the United States Department of Health and Human Services, Ryan White Title I HIV Emergency Care grant program for the Health and Human Services Special Revenue Fund. (Funding is available from the United States Department of Health and Human Services, Ryan White Title I HIV Emergency Care grant. The grant period is 3/1/00 to 2/28/01. Total grant amount is \$3,575,995. No City match is required.) (Related to item 33)

Ordinance No. 000330-32 was approved on Council Member Spelman's motion, Council Member Lewis' second by a 5-0 vote. Mayor Watson was off the dais. Mayor Pro Tem Goodman was absent.

33. Approve a resolution authorizing negotiation and execution of 12-month contracts with two 12-month renewal options, with eight agencies for HIV services under the U.S. Department of Health and Human Services Ryan White Title I HIV Emergency Care grant: AIDS Services of Austin in an amount not to exceed \$911,678; A/TC MHMR C.A.R.E. in an amount not to exceed \$316,432; ALLGO/Informe SIDA in an amount not to exceed \$71,532; Pediatric AIDS League in an amount not to exceed \$44,477; Project Transitions, Inc. in an amount not to exceed \$236,581; HIV Wellness Center in an amount not to exceed \$112,650; Interfaith Care Alliance in an amount not to exceed \$125,395; and Waterloo Counseling Center in an amount not to exceed \$113,750. (Funding was included in the 1999-2000 Approved Operating Budget of the Health and Human Services Department Special Revenue Fund, Ryan White Title I HIV Emergency Care grant program. The grant period is March 1, 2000 to February 28, 2001 and the contract performance period is March 1, 2000 to February 28, 2001.) (Recommended by HIV Planning Council) (Related to item 32)

Resolution No. 000330-33 was approved on Council Member Spelman's motion, Council Member Lewis' second by a 5-0 vote. Mayor Watson was off the dais. Mayor Pro Tem Goodman was absent.

A motion to recess the Council meeting at 11:55 a.m. was approved on Council Member Slusher's motion, Council Member Spelman's second by a 5-0 vote. Mayor Watson was off the dais. Mayor Pro Tem Goodman was absent.

The meeting was re-convened at in the Board Room at Austin-Bergstrom International Airport, Department of Aviation, Engineering Airfield Operations Building, 2716 Spirit of Texas Drive at 1:45 p.m.

CITIZEN COMMUNICATIONS

54. Fred Dupey – Day Labor/Neighborhood Concerns
55. Jennifer L. Gale – Jennifer's Vision for Austin
56. Natanya Diamant – Ordinance to ban animal acts
57. Gus Peña – Discuss Status of City Health Clinics and City Issues - **ABSENT**
58. Lynn Moshier – Don't move central booking - **ABSENT**
59. Mike Lasater – Central Booking
60. Monica O. Nwevo – The Housing Authority under the cover of the gang affiliates in the police, the firm opposite where I live have been using deadly gas to stuff me dead in my apartment the electrical connection make my head and eye hurt.
61. Paul Robbins
62. Rolando Pina – Thank You Councilmember Bill Spelman for I.N.S. Relocation Away from Galindo Elementary Neighborhood and for your Outstanding Volunteer Service as our Councilmember.

DISCUSSION ITEMS CONTINUED

24. Approve a resolution authorizing negotiation and execution of an amendment to the contract with the Austin Revitalization Authority (ARA) by exercising the final option to extend the contract for an additional 12 month period in an amount not to exceed \$275,000, and authorize three additional 12-month options to extend the contract in an amount not to exceed \$275,000 per extension, subject to fund availability, for a total contract amount not to exceed \$2,300,000, for ARA operating expenses for the continued implementation of the East 11th and 12th Streets Redevelopment Program. (Funding in the amount of \$275,000 was included in the Fiscal Year 1999-2000 Neighborhood Housing and Community Development Office (NHCDO), 24th Year Community Development Block Grant (CDBG), East 11th and 12th Street Redevelopment Program. Funding for the extension options is contingent upon available funding in future budgets.)

Resolution No. 000330-24 was approved as amended with the contract period set at twelve months and with extensions to be brought back for Council action on Council Member Lewis' motion, Council Member Slusher's second by a 5-0 vote. Mayor Pro Tem Goodman was absent. Council Member Spelman was off the dais.

34. Adopt an ordinance to annex, for limited purposes, the Avery Ranch tract (approximately 1630 acres between the south shore of Brushy Creek and the existing City limits approximately 1.5 miles north of the intersection of FM 620 and Parmer Lane) (Second/Third Reading)

The second reading of this ordinance was approved on Council Member Lewis' motion, Council Member Griffith's second by a 5-0 vote. Mayor Pro Tem Goodman was absent. Council Member Spelman was off the dais.

35. Adopt an ordinance approving the Regulatory Plan for Avery Ranch, which is being annexed for limited purposes.

This item was postponed until the final action on the ordinance to annex the Avery Ranch for limited purposes on Council Member Lewis' motion, Council Member Griffith's second by a 5-0 vote. Mayor Pro Tem Goodman was absent. Council Member Spelman was off the dais.

The motion to recess the Council meeting at 2:29 p.m. and go into Executive Session was approved on Council Member Garcia's motion, Council Member Slusher's second by 5-0 a vote. Mayor Pro Tem Goodman was absent. Council Member Spelman was off the dais.

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

5. Discuss *Ethel Spiller, et al. v. Robert M. Walker, et al.*, Cause No. A 98 CA 255 SS, in the United States District Court for the Western District of Texas, Austin Division. (This

litigation involves Plaintiffs' request for an environmental impact statement concerning the Longhorn Pipeline Project.)

6. Discuss legal issues related to Chapter 245 of the Local Government Code.
7. Discuss *FM Properties Operating Co. v. City of Austin*, Cause No. 98-0685, in the Supreme Court of Texas. (This litigation concerns development regulations applicable in the Barton Springs Zone.)
8. Discuss legal issues concerning an ordinance providing for the redevelopment of a telephone utility facility and superseding the requirements of Chapter 25-8, Subchapter A, Article 12 (Save Our Springs Initiative) to the extent of conflict.
9. Discuss acquisition of real property for conservation purposes along Barton Creek.
10. Discuss acquisition of real estate pertaining to Riverside Library.

LIVE MUSIC

PROCLAMATIONS

Executive session ended at 5:54 p.m. The Mayor called the meeting back to order.

ZONING CONSENT

All of the following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The public hearings were closed and the consent items were approved on Council Member Spelman's motion, Council Member Slusher's second by a 6-0 vote. Mayor Pro Tem Goodman was absent.

63. C14-86-300 – Home Depot - Public hearing to amend Chapter 25-2 of the Austin City Code by amending a restrictive covenant for property locally known as 3500-3600 South IH-35. Planning Commission Recommendation: To Deny the restrictive covenant amendment. Applicant: STE-35; Agent: Armbrust Brown & Davis, LLP (Richard T. Suttle). City Staff: Adam Smith, 499-2755. (continued from 2/17/00 and 3/9/00)
This item was postponed to April 20, 2000.
64. C14-99-2024 – Home Depot - Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property located at 3500-3600 South IH-35 from GR, Community Commercial District zoning and RR, Rural Residence District zoning to CS, General Commercial Services District zoning and RR, Rural Residence District zoning. Planning Commission Recommendation: To Deny CS, General Commercial Services District zoning and RR, Rural Residence District zoning. Applicant: STE-35 (Mike Palmer/Charles Ball); Agent: Armbrust Brown & Davis, LLP (Richard T. Suttle, Jr.). City Staff: Adam Smith, 499-2755. (continued from 2/17/00 and 3/9/00)

This item was postponed to April 20, 2000.

65. C14H-99-0017 – Cater Joseph House - Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 2824 Rio Grande Street from MF-4, Multifamily Residence (Moderate-High Density) District zoning to MF-4-H, Multifamily Residence (Moderate-High Density)-Historic District zoning. Planning Commission Recommendation: To Grant MF-4-H, Multifamily Residence (Moderate-High Density)-Historic District zoning with conditions. Applicant: City of Austin; Property Owner: JCA Partnership. City Staff: Barbara Stocklin, 499-2414. Note: A valid petition has been filed in opposition to this rezoning request. (continued from 3/9/00)

This item was postponed to April 6, 2000.

66. C14-99-2087 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 411 St. Elmo Road West from SF-3, Family Residence District zoning to SF-6, Townhouse and Condominium Residence District zoning. Planning Commission Recommendation: To grant SF-6-CO, Townhouse and Condominium Residence Conditional Overlay Combining District zoning with conditions. Applicant: Mineva, Ltd. (David Young); Agent: Vincent Gerard & Associates (Christine M. Sullivan). City Staff: Michele Rogerson, 499-2308.

First reading of this ordinance was approved.

67. C14-99-2089 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 1900 Bluff Springs Road from CS-CO, General Commercial Services-Conditional Overlay Combining District zoning to CS-CO, General Commercial Services-Conditional Overlay Combining District zoning in order to change a condition of zoning. Planning Commission Recommendation: To grant CS-CO, General Commercial Services-Conditional Overlay Combining District zoning with conditions. Applicant: E. A. & K. O. Ritchie; Agent: Lopez-Phelps, Vaughn & Associates, Inc. (Amelia Lopez-Phelps). City Staff: Michele Rogerson, 499-2308.

Council did not the close hearing, but approved first reading of this ordinance adopting the Planning Commission's recommendation with modified hours of operation not to exceed 10 p.m.

68. C14-99-2108 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property located at the 4500 block of East Ben White Blvd. from SF-2, Single-Family Residence (Standard Lot) District zoning to CS, General Commercial Services District zoning. Planning Commission Recommendation: To grant CS-CO, General Commercial Services-Conditional Overlay Combining District zoning with conditions.

Applicant: Belco Equities, Inc. (Rudy Belton); Agent: Urban Design Group (John Noell). City Staff: David Wahlgren, 499-6455.

First reading of this ordinance was approved.

69. C14-99-2115 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 2100 block of Pleasant Valley Drive from MF-4-CO, Multifamily Residence (Moderate-High Density)-Conditional Overlay Combining District

zoning to CS-CO, General Commercial Services-Conditional Overlay Combining District zoning. Planning Commission Recommendation: To Grant: CS-CO, General Commercial Services-Conditional Overlay Combining District zoning with conditions. Applicant: The Assured Group (Don Valk); Agent: Ed Haskins. City Staff: Adam Smith, 499-2755.

Ordinance No. 000330-69 was approved.

70. C14-99-2120 – Public hearing to amend Chapter 25-2 of the Austin City Code by zoning property located along State Highway 71 East between Shapard Lane and Del Valle Street from I-RR, Interim-Rural Residence District zoning to RR, Rural Residence District zoning. Planning Commission Recommendation: To Grant RR, Rural Residence District zoning. Applicant: City of Austin; Agent: Development Review and Inspection Department; Owner: Richard Attkisson. City Staff: Adam Smith, 499-2755.

Ordinance No. 000330-70 was approved.

71. C14-00-2008 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property located at Howlett Court and North U. S. Highway 183 from SF-2, Single-Family Residence (Standard Lot) District zoning to LO, Limited Office District zoning. Planning Commission Recommendation: To grant LO-CO, Limited Office- Conditional Overlay Combining District zoning with conditions. Applicant: Cummings-Baccus Interests (Buck Baccus); Agent: Powers Engineering Group, Inc. (Forrest Powers). City Staff: David Wahlgren, 499-6455.

Ordinance No. 000330-71 was approved.

Item 72 was approved on consent but was reconsidered later in the meeting.

73. C14-00-2015 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 6929 Airport Blvd. from SF-3, Family Residence District zoning to CS, General Commercial Services District zoning. Planning Commission Recommendation: To grant CS, General Commercial Services District zoning. Applicant: City of Austin-Development Review and Inspection Department; Owner: University of Texas System Highland Village. City Staff: Glenn Rhoades, 499-2775.

Ordinance No. 000330-73 was approved.

Item 74 was pulled for discussion.

ZONING DISCUSSION ITEMS

74. C814-99-0001 – Avery Ranch - Public hearing to amend Chapter 25-2 of the Austin City Code by zoning property locally known as 2,700 feet along the east and west side of Parmer Lane, approximately 1,500 feet south of its intersection with Brushy Creek Road from I-RR, Interim-Rural Residence District to PUD, Planned Unit Development District zoning. Planning Commission Recommendation: To grant PUD, Planned Unit Development District zoning with conditions. Applicant: Pebble Creek Joint Venture (Edward R. Rathgeber, Jr.); Agent: Prime Strategies, Inc. (Ralph Reed). City Staff: David Wahlgren, 499-6455.

The public hearing was closed on Council Member Spelman's motion, Council Member Slusher's second by a 6-0 vote. Mayor Pro Tem Goodman was absent.

72. C14-99-2142 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 12190-12198 Walnut Park Crossing from LO, Limited Office District zoning to MF-2, Multifamily Residence (Low Density) District zoning. Planning Commission Recommendation: MF-2-CO, Multifamily Residence (Low Density)-Conditional Overlay Combining District zoning with conditions.
Applicant: Parkcrest Center, Ltd. (J. Vaughn Brock); Agent: Graves, Dougherty, Hearon & Moody (Wm. Terry Bray). City Staff: Katie Larsen, 499-3072.
Ordinance No. 000330-72 was approved.

A motion to reconsider item 72 was approved on Council Member Griffith's motion, Council Member Spelman's second by a 5-0 vote. Mayor Pro Tem Goodman was absent. Council Member Slusher was off the dais.

The public hearing was closed on Council Member Griffith's motion, Council Member Spelman's second by a 6-0 vote. Mayor Pro Tem Goodman was absent.

- **First reading of this ordinance was approved on Council Member Spelman's motion, Council Member Lewis' second by a 6-0 vote. Mayor Pro Tem Goodman was absent.**

PUBLIC HEARINGS

75. Conduct a public hearing on the appeal of the Planning Commission's decision to approve a conditional use permit site plan with variances for South Park Meadows Amphitheater Improvements, an outdoor entertainment and cocktail lounge use located at 9600 South Interstate Highway 35, Southbound. Appellants: Armbrust, Brown & Davis (Richard Suttle). Property Owner: Abel J. & Mary Ann Theriot Family Limited Partnership. Applicant: Abel J. and Mary Theriot Family Limited Partnership (Suzanne Sanders). Agent: Armbrust Brown & Davis (Richard T. Suttle, Jr.). File #SPC-99-2027A.
The motion to grant Ms. Clara Touchet standing on this matter and to postpone the public hearing to April 6, 2000 was approved on Council Member Slusher's motion, Council Member Spelman's second by a 6-0 vote. Mayor Pro Tem Goodman was absent.
83. Consider a resolution regarding an appeal of the Planning Commission's decision to approve the conditional use permit site plan with variances for South Park Meadows Amphitheater Improvements an outdoor entertainment and cocktail lounge use located at 9600 South Interstate Highway 35, Southbound. Appellants: Armbrust, Brown & Davis (Richard Suttle). Property Owner: Abel J. & Mary Ann Theriot Family Limited Partnership. Applicant: Abel J. and Mary Theriot Family Limited Partnership (Suzanne Sanders). Agent: Armbrust Brown & Davis (Richard T. Suttle, Jr.). File #SPC-99-2027A.

This item was postponed to April 6, 2000 on Council Member Slusher's motion, Council Member Spelman's second by a 6-0 vote. Mayor Pro Tem Goodman was absent.

76. Conduct a public hearing on and grant limited adjustment of Chapter 25-8, Article 12 (Save Our Springs Initiative) under Sections 25-8-518 and 25-1-252 of the City Code for development near Barton and adjacent springs as required by the Endangered Species Act 10(a) Permit for Operation and Maintenance of Barton Springs Pool and identified in the final Habitat Conservation Plan approved by the U.S. Fish & Wildlife Service. Site Plan Case Number SPC-99-2029C. (This limited adjustment concerns development regulations applicable in the Barton Springs Zone.)
The public hearing was closed on Council Member Garcia's motion, Council Member Griffith's second by a 6-0 vote. Mayor Pro Tem Goodman was absent.
84. Consider a limited adjustment of Chapter 25-8, Article 12 (Save Our Springs Initiative under Sections 25-8-518 and 25-1-252 of the City Code for development near Barton and adjacent springs as required by the Endangered Species Act 10(a) Permit for Operation and Maintenance of Barton Springs Pool and identified in the final Habitat Conservation Plan approved by the U.S. Fish & Wildlife Service. Site Plan Case Number SPC-99-2029C. (This limited adjustment concerns development regulations applicable in the Barton Springs Zone.)
Ordinance No. 000330-84 was approved on Council Member Spelman's motion, Council Member Garcia's second by a 6-0 vote. Mayor Pro Tem Goodman was absent.
77. Conduct a public hearing on an ordinance amending Section 25-12-213 (Housing Code) and Section 25-5-233 (Dangerous Building Code) of the City Code regarding civil penalties assessed by the Building and Standards Commission. (Approved by Historic Landmark Commission and Building and Standards Commission)
The public hearing was closed on Council Member Spelman's motion, Council Member Griffith's second by a 6-0 vote. Mayor Pro Tem Goodman was absent.
85. Consider an ordinance amending Section 25-12-213 (Housing Code) and Section 25-5-233 (Dangerous Building Code) of the City Code regarding civil penalties assessed by the Building and Standards Commission. (Approved by Historic Landmark Commission and Building and Standards Commission) (Second/third readings)
Ordinance No. 000330-85 was approved on Council Member Spelman's motion, Council Member Garcia's second by a 6-0 vote. Mayor Pro Tem Goodman was absent.
78. Conduct a public hearing to consider amending the Circle C Annexation Area (C7a-97-018) Annexation Service Plan. (The Circle C Annexation Area covers approximately 4,661 acres extending east from FM 1826 and north from the border between Hays and Travis counties.)

The public hearing was closed on Council Member Spelman's motion, Council Member Garcia's second by a 6-0 vote. Mayor Pro Tem Goodman was absent.

86. Approve an ordinance amending the Circle C Annexation Area Service Plan (C7a-97-018) and amending Title 25 of the City Code, including the Save Our Springs Initiative, to implement the Service Plan amendment. (The Circle C Annexation Area covers approximately 4,661 acres extending east from FM 1826 and north from the border between Hays and Travis counties.) (This matter involves development regulations in the Barton Springs Zone.)
Ordinance No. 000330-86 was approved on Council Member Shusher's motion, Council Member Spelman's second by a 6-0 vote. Mayor Pro Tem Goodman was absent.
79. Conduct a public hearing on an ordinance providing for the redevelopment of a telephone utility facility and superseding the requirements of Chapter 25-8, Subchapter A, Article 12 (Save Our Springs Initiative) to the extent of conflict.
The public hearing was closed on Council Member Spelman's motion, Council Member Garcia's second by a 6-0 vote. Mayor Pro Tem Goodman was absent.
87. Approve an ordinance providing for the redevelopment of a telephone utility facility and superseding the requirements of Chapter 25-8, Subchapter A, Article 12 (Save Our Springs Initiative) to the extent of conflict.
Ordinance No. 000330-87 was approved on Council Member Spelman's motion, Council Member Garcia's second by a 6-0 vote. Mayor Pro Tem Goodman was absent.
80. Conduct a public hearing to consider amending the Austin Tomorrow Comprehensive Plan by incorporating the Smart Growth Master Planning Guidelines as an element of the plan.
This item was postponed to April 6, 2000.
81. Conduct a public hearing to consider amending Chapter 25-2 of the Austin City Code for the Smart Growth Infill and Redevelopment proposals.
This item was postponed to April 6, 2000.
82. Conduct a public hearing to consider amending Chapter 25-6 of the Austin City Code to provide consultation with neighborhood planning committees regarding traffic impact analyses and to permit City-initiated traffic analyses for Smart Growth corridors and nodes.
This item was postponed to April 6, 2000
88. Consider an ordinance amending Chapter 25-6 of the Austin City Code to provide consultation with neighborhood planning committees regarding traffic impact analyses and to permit City-initiated traffic analyses for Smart Growth corridors and nodes.
This item was postponed to April 6, 2000.

89. Approve an ordinance to amend the Austin Tomorrow Comprehensive Plan by incorporating the Smart Growth Master Planning Guidelines as an element of the plan.
This item was postponed to April 6, 2000.

90. Approve an ordinance amending Chapter 25-2 of the Austin City Code for the Smart Growth Infill and Redevelopment proposals.
This item was postponed to April 6, 2000.

ADJOURNED at 7:14 p.m. on Council Member Griffith's motion, Council Member Slusher's second by a 6-0 vote. Mayor Pro Tem Goodman was absent.

The minutes for the Regular Meetings of March 30, 2000 were approved on this the 6thth day of April, 2000 on Council Member Garcia's motion, Mayor Watson's second by a 4-0 vote. Council Member's Griffith, Slusher and Spelman were off the dais.